

REMARKS

Claims 1-15 are currently pending in the patent application. The Examiner has rejected the Claims 1-15 under 35 USC 103(a) as unpatentable over the teachings of Takahashi. For the reasons set forth below, Applicants respectfully assert that all of the pending claims are patentable over the cited prior art.

The present application teaches and claims apparatus, a program storage device, and a method for playback of multimedia presentations on a playback system, such as an MPEG-4 player or a Synchronized Multimedia Integration Language (a.k.a., "SMIL") player, that requires scene description information to appropriately display a scene. Display may require preparations, such as opening a data channel or setting up buffers, or actions, such as replacing an entire scene. When the received stream does not include the necessary scene description information, as determined by the claimed system and method, then scene description information is automatically and dynamically generated by the player for the scenes of the stream in accordance with the subject invention, thereby allowing playback. As taught and claimed, the generating of the scene description

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information by the player permits the player to play the streams. Accordingly, it is not simply synchronization information to allow synchronized display which is generated, but necessary playback information without which the player cannot display the streams. Each of the independent claims expressly recites that the generated information is generated by the scene description based player/MPEG-4 player/SMIL player and is "used to permit said player to play" the streams/presentation.

The Takahashi patent publication is directed to a video processing method and apparatus for recording video and audio data (see: e.g., steps S423 and S431 of Fig. 4) to include access point data and instructions as to whether or not to multiplex the video and audio data. By including the instruction or flag information about multiplexing, unnecessary processing (i.e., multiplexing and demultiplexing) can be avoided when it is not needed. Under the Takahashi teachings, either instruction information or a flag is provided to a player along with the "plural pieces of digital data" (see: paragraph [0012], lines 2-4; paragraph [0013], lines 2-4, paragraph [0016], lines 4-5, paragraph [0017], lines 2-4, paragraph [0018], lines 2-4, paragraph [0019], line 5, paragraph [0020], lines 4-5,

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paragraph [0021], lines 6-8, paragraph [0022], lines 7-8, paragraph [0023], lines 2-4, paragraph [0024], lines 5-6. Therefore, a player always receives both the data for display and the instruction/flag information. Takahashi does not teach a player and playback method, but teaches a recording system and recording method for providing data for display along with instruction/flag information. When recording data, for example as described in paragraph [0039], a determination is made as to whether a scene description exists and, if no scene description is inputted, "the CPU 11 sets the scene description flag at 0 (S414), and generates access information for random access (step S415)." Accordingly, Takahashi inserts synchronization information when there is no scene description information. What Takahashi is doing is recording the video signal to include the "video and audio packets...together with the management information and the access information" (paragraph [0040], lines 7-11). Any generating of signal processing information is being done at the Takahashi video recorder, and not at the player.

Applicants respectfully assert that the Takahashi patent publication neither teaches nor suggests the invention as claimed. For all playback under Takahashi a

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player receives an incoming stream comprised of digital data and either an instruction or a flag or both. Takahashi neither teaches nor suggests that a player receives an incoming stream which does not include additional information. Takahashi does not teach or suggest that a player needs to detect whether an incoming stream has the additional information, since Takahashi teaches that a video processing system records all video playback signals to include both the display data and the instructions/flags. Further, Takahashi effectively teaches away from such detection at a player, since Takahashi necessarily provides a signal with an instruction or a flag.

Applicants further assert that Takahashi does not teach or suggest that a player generates a scene description stream. While the Takahashi video recording system may record synchronization information (i.e., the access point data) for a stream, Takahashi neither teaches nor suggests that a video player generates any synchronization information, instruction information, or flags.

Applicants point out that, as taught by the present Specification (see: e.g., page 4, "Playback in absence of MPEG-4 Systems Components"), without the scene description information, it is not possible for the players to display

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the received streams unless modifications are made to the players. It is not simply a question of optimizing display by synchronization of audio to visual, it is a question of being able to display the audio/visual data at all. As is expressly recited in each of the claims, the player generates the needed scene description stream which "is used to permit said player to play" the audio/visual data (*emphasis added*). It is the scene-description based player, and more particularly the MPEG-4 player or the SMIL player, that requires the information and that generates the required information. All of the claims expressly recite a scene description based player, an MPEG-4 player, or an SMIL player, which is generating the scene description stream.

Applicants respectfully conclude that the invention as claimed is patentable over the teachings of the Takahashi patent publication. It is well established under U.S. Patent Law that, for a determination of obviousness, the prior art must teach or suggest all of the claim limitations. "All words in a claim must be considered in judging the patentability of that claim against the prior art" (*In re Wilson*, 424 F. 2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). If the cited references fail to teach each and every one of the claim limitations, a *prima facie*

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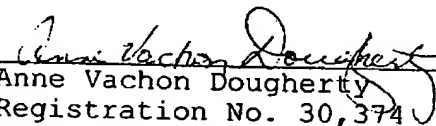
case of obviousness has not been established by the Examiner. Since the Takahashi publication does not teach or suggest a player detecting a lack of scene description information or a player generating scene description information, it cannot be concluded that the Takahashi publication obviates the invention as claimed.

Based on the foregoing amendments and remarks, Applicants respectfully request entry of the amendments, reconsideration of the rejections, withdrawal of the rejections, and issuance of the claims.

Respectfully submitted,

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